

MEMORIAL

OF

A NUMBER OF CITIZENS OF BOSTON,

PRAYING

The passage of an international copyright law.

APRIL 24, 1838.

Referred to the Committee on Patents and the Patent Office, and ordered to be printed.

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, citizens of the United States, friendly to the due protection of native literature,

RESPECTFULLY REQUEST:

That the attention of Congress be directed to so amending the laws regulating literary property as to extend to all authors writing in the English language the privilege of obtaining a copyright for such works as may be originally or simultaneously printed and published in this country.

We are in favor of the proposed measure both because it is essential to the encouragement and development of American literature, and because it is demanded, with much propriety, as an act of justice by the principal foreign authors interested.

Under the existing system, the American author is deprived of an adequate compensation for his labors in consequence of the unequal competition of a vast body of unpaid writers, comprising all the established authors of Great Britain, multiplied editions of whose works, printed frequently in magazines and newspapers, naturally crowd out of the market all those works of native origin to which a copyright tax is attached. The result is that the native author must either be content with so small a profit on his works as may not prevent them from being put on a level, in price, with those gratuitously obtained from their authors, or he must place them so far above the average cost as effectually to exclude them from circulation. It will be readily seen how disadvantageous and depressing this state of things must be to those native writers who may be compelled, by straightened circumstances, to seek for profit as well as fame from their writings. *A fair field and no favor* is all that they ask. But, under the present system, the operation is precisely as unfavorable to their efforts as if there were an actual bounty upon foreign literary produce, and a tax upon all of native origin.

Blair & Rives, printers.

Were there no other good reason for the proposed international copyright law, the mere fact that the greater part of the foreign authors interested had petitioned for its passage, would be, in our estimation, a sufficient argument. We do not wish to purchase editions of books not only unlicensed, but virtually prohibited by the author, and where, by the republication, the author thinks a positive injustice is done him. We do not feel so dependant for our literary resources upon the forthcoming productions of the English petitioners, as to inflict what they regard as an injustice in the purchasing or reading of unauthorized editions of their works.

The plea of the British authors appears to us to be founded in the plainest principles of justice. Our law already recognises the right of native citizens to hold and transfer literary property as fully as it recognises the right of transferring any other species of property. We cannot well conceive why a foreign author should not have the same liberty and right to consign or transfer literary property to his agents in this country that a foreign merchant has to transfer and consign his merchandise. We cannot well conceive why the American creditors of a foreign author should not be enabled to avail themselves, in this country, of the sale of the products of that author's intellectual labor and ingenuity, as well as the American creditors of a foreign mechanic or manufacturer should have the right to receive in payment the products of the latter's physical labor and handicraft. Is not the distinction palpably unjust and impolitic?

A serious evil under the present system, of which the British authors with great justice and propriety complain, is the liability of their works to mutilation and alteration by ignorant and incompetent persons. It is natural that these authors should be jealous of their transatlantic reputation. Their American fame is like the voice of posterity in their favor. How justly then may they lament that we permit them to exercise no supervision or control over their works in this country; that their names are often attached to garbled and mutilated publications, for which they are not responsible, and which are no less than gross impositions upon the community.

Another defect in our present system may be seen in the opportunity which is afforded to anonymous authors to avail themselves of a privilege which is denied to *those who are known*. An anonymous author in England may easily, by collusion with some person in this country, put forth his works as the productions of an American pen, and so enjoy a copyright for them in both countries. The fact is undeniable that Sir Walter Scott had it in his power, while he was unknown as the author of the Waverley novels, to reap the profit of a copyright upon them in this country. Why should he not have been enabled to enjoy the same privilege after he had avowed his authorship?

Your petitioners do not believe that any interests in this country would be injuriously affected by the passage of an international copyright law. It has been asserted that there is thirty millions of dollars enlisted in the publishing business in this country. *Of this, less than five millions is devoted to the republication of such works as could be subject to a copyright under the proposed law.* Of course, the value of the remaining *twenty-five million interest* would be rather increased than diminished. The business of republishing new English works, novels, &c., it is well known, is monopolized by three or four of our wealthiest publishers; and it is highly improbable that they would be unfavorably affected in their business by the desired measure.

The only restriction necessary for the ample protection of all classes interested, would be a provision that all foreign works, to be entitled to a copyright, should be *printed* in this country, and that they should be *published here simultaneously with their appearance in England.*

But, admitting it were true that the publishing interest would be injured by the passage of an international copyright law, your petitioners do not think that the circumstance should weigh in comparison with the great and obvious benefits which would result to the community in general; with the *nationalizing* of our literature, which, under the existing system, is retarded and debased; and with a proper regard to the sacred rights of property.

In conclusion, your petitioners would respectfully urge that they consider the proposed measure as demanded by a due respect for the principles of justice founded in the use of a common language; by a sense of enlightened national reciprocity; and by the great literary interests of both countries. And your petitioners, &c.

Edward Everett
George Bond
William G. Lambert
Alfred Slade
Henry A. Johnson
Charles H. Mills
Samuel A. Appleton
William Almy
L. F. Stoddard
George William Gordon
John A. Blanchard
William J. Bellows
Caleb Andrews
Daniel K. Chud
Charles Scudder
David W. Horton
David S. Dutton
William W. Stone
Joshua Webster, jr.
M. Day Kimball
H. Gassett, jr.
Oscar Gassett
James McGreger
Daniel Chamberlin
J. Huntington Wolcott
Samuel Frothingham, jr.
Charles R. Bond
Joseph M. Brown
F. A. Durivage
George S. Hillard
R. Choate
William J. Niles
T. Lewis Stackpole
C. C. Felton, *Cambridge*

W. B. English
Meldon Somerville
Isaac Knapp
Willard Phillips
Joseph Willard
Frederick Emerson
Isaac Boyle
John Brooks Fenno
R. J. Cleveland
George William Bond
Nathaniel Greene
Henry G. Foster
Thomas Odiorne, *Malden*
William B. Lawrence
William Lawrence
Samuel Lawrence
Amos A. Lawrence
Henry Rice
Thomas S. Weld
Henry Loring
George A. Fiske
Charles P. Blaney
Alanson Tucker, jr.
Aaron Sweet
T. F. Holden
A. J. Gray
H. G. Hutchins
George Foster
Daniel MacGreger
Horatio Bigelow
George T. Curtis
John W. Gorham
John S. Wright
Thomas Lord

E. P. Whitman

P. Greely, jr.

Henry F. Baker

Thomas J. Shelton

Thomas Tileston, jr.

Isaac C. Pray, jr.

Edward G. Loring

Epes Sargent, jr.

E. J. L. Austin

W. W. Tucker

J. B. Wright